IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE.

WRIT PETITION NO. 6490 OF 2006.

Jayaben Pranlal Vasa & ors. .. Petitioners.
V/s.
Kantilal J.Vora & ors. ... Respondents.

Ms. Indira P. Mumdkar i/b M/s P.V. Nichani for the petitioners.

Ms.Shagufta Motani for the respondents.

CORAM : V.C.DAGA, J.

DATED : 3.10.2006.

P.C. :

. Heard learned Counsel for rival parties.

Perused petition.

2. Having considered concurrent findings of fact recorded by both the Courts below, no case is made out to interfere with the impugned order. No perversity in the impugned order is demonstrated.

3. Having said so, it is necessary to take note of the judgment of the Apex Court in the case of **Laxmikant Revchand Bhojwani & anr. vs. Pratapsingh Mohansingh Pardeshi (1995) 6 SCC 576,** in para 9, before considering rival submissions, wherein following observations were made:

. " Before parting with this judgment, we would like to say that the High Court was not justified in extending its jurisdiction under Article 227 of the Constitution of India. The Act is a special legislation governing landlord-tenant relationship and disputes. The legislature has, in its wisdom, not provided second appeal or revision to the High Court. The object is to give finality to the decision of the appellate authority. The High Court under Article 227 of the Constitution of India cannot assume unlimited prerogative to correct all species of hardship or wrong decisions. It must be restricted to cases of grave dereliction of duty and flagrant abuse of fundamental principles of law or justice, where grave injustice would be done unless the High Court interferes."

4. Bearing in mind the above observations of the Apex Court and considering concurrent finding of fact recorded by the Courts below, it is very difficult to reach to the conclusion that the impugned order is a perverse order. Cogent reasons are given by the Lower Appellate Court while confirming the findings of fact recorded by the trial Court. The lower appellate authority appreciated evidence and recorded findings of fact and affirmed the findings of facts recorded by the trial Court. No case is made out either in the petition or during the course of hearing to demonstrate that any piece of evidence was not taken into account by the Courts below or that any piece of evidence was misconstrued by the lower appellate Court.

5. At this stage, Mrs.Mumdkar prays for stay of

this order for a period of eight weeks from today for approaching higher Court. Learned Counsel for the respondent has no objection. Accordingly, petitioner is granted eight weeks time to vacate the suit premises, on filing undertaking to this Court within one week from today, to the effect that in the event of their faiing in the Apex Court, he shall vacate the suit premises and hand over vacant and peaceful possession of the suit premises tothe respondent.

6. In the above view of the matter, petition is without any substance. The same is liable to be dismissed.

7. In the result, petition is dismissed in limine with no order as to costs.

(V.C.DAGA,J.)